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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,891	09/15/2003	Karl T. Blatter	ITI-P-00010 (9003-90132)	1160
24628	7590	06/18/2007	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			LEIVA, FRANK M	
			ART UNIT	PAPER NUMBER
			3714	
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			06/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/662,891	<b>Applicant(s)</b> BLATTER ET AL.	
	<b>Examiner</b> Frank M. Leiva	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/10/2003; 04/05/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Priority*

1. Applicant's claim for the benefit of a prior-filed provisional application number 60/411,549 under 35 U.S.C. 119(e) is acknowledged.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the invention as claimed must be shown in a clear manner, the arrows or lines of communication in figure 1 are in mid air not showing what they are coming from or going to, blocks need to be labeled, all blocks must be understood as to what they represent without the use of the written description. Figures 16 and 16b no blocks drawn. No new matter should be entered.
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Pascal et al (US2002/0028707 A1), herein after Pascal.**

6. **Regarding claims 1, 15, 24, 26, and 30;** Pascal discloses a contest or tournament conducted over a network of gaming machines, producing respective contestant data, (Abstract)

7. **Regarding claims 1, 3, 5, 8, 9, 15, and 31;** Pascal discloses up-loading and downloading contestant data from storage and a second location, (¶[0040-0044]).

8. **Regarding claims 1, 6, 10, 11, 15, 17, 26, 31, and 32;** Pascal discloses formatting the data acquired to facilitate determination of the winner by arranging the players by ranking, (¶[0037-0038]).

9. **Regarding claims 2 and 16;** Pascal discloses establishing criteria for determination of the winner, (¶[0037-0038]).

10. **Regarding claims 4, 12-14, 21, 22, 26, 30, and 32;** Pascal discloses presenting contest data for review by the audience and downloading the contest results to the players machines for review and downloading promotional information about the contest to contest machines, (¶[0037-0038], ¶[0044], Fig. 3B (88)).

11. **Regarding claims 7, 15, 18, and 26;** Pascal discloses contestant data collection limited to a specific time interval, and the contest to be limited to a time limit or specific winning level limit, (Fig. 3A).

12. **Regarding claim 19;** Pascal discloses a list of available games for the user to select from for the purpose of creating a tournament, (¶[0025]).

**13. Regarding claims 20, 26, 28, and 30;** Pascal discloses the ability of the user to specify features such as game style, percentage of the games, and time and date of the contest, (Claim 5).

**14. Regarding claim 23;** Pascal discloses the use of database management systems and computer systems, which would inherently have a log in page to exclude access to personnel.

**15. Regarding claims 25, 27, and 33;** Pascal discloses the incorporation of advertisement data to be sent out to the games to promote the contest and future contests, (¶[0040]).

**16. Regarding claims 29 and 34;** Pascal discloses the use of database management systems and computer systems, which would inherently store all data generated by the contest and previous contest for review by the contest administration and gain information from it.

**17. Claims 35-68 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al (US 2001/0004609 A1), herein after Walker.**

**18. Regarding claims 35, 42, 50, and 56;** Walker discloses a contest or tournament conducted over a network of games, producing respective contestant data, (Abstract)

**19. Regarding claims 35, 42, 50, 50, 55, 56, 67, and 68;** Walker discloses receiving and sending contestant data from storage and a second location, (¶[0039-0042]).

**20. Regarding claims 35, 42, 53, 56, 58, 64, and 65;** Walker discloses formatting the data acquired to facilitate determination of the winner by arranging the players by ranking, and visually review records, and criteria for grouping machines for the process of selecting contest and review of data, (¶[0039-0043], [0049], [0068-0077], [0098]).

**21. Regarding claims 35, 38, 41, 43, 44, 51, 54, 57, and 60;** Walker discloses presenting contest data for review by the audience and downloading the contest results to the players machines for review and downloading promotional information about the contest to contest machines, sending messages in video form to participants, (¶[0090, 0100]).

**22. Regarding claim 66;** Walker discloses contestant data collection limited to a specific time interval and the contest be limited to a time limit or specific winning level limit, (¶[0023]).

**23. Regarding claims 36, 45, 46, 50, and 52;** Walker discloses the ability of the user to specify features such as game style, percentage of the games, and time and date of the contest, and storage of a plurality of games contests, (¶[0021-0026, 0038-0040]).

**24. Regarding claims 37, 39, 47, and 61;** Walker discloses the incorporation of advertisement data to be sent out to the games to promote the contest and future contests, (¶[0100]).

**25. Regarding claim 59;** Walker discloses the use of database management systems and computer systems, which would inherently store all data generated by the contest and previous contest for review by the contest administration and gain information from it.

**26. Regarding claims 40, 48, 49, 62, and 63;** Walker discloses the creation of games modeled from sports such as Golf, Hunting, and Puzzle games, (¶[0068]).

### ***Citation of Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miguel et al (US 5,593,349), automated League and tournament system. Sabaliauskas (US 5,359,510), automated universal tournament management system. Chagoll et al (US 5,269,522), method for promotional contest. Thacher et al (US 5,083,271), tournament games score communication. Sandberg (US 2003/0040363 A1), a contest method. Cannon et al (US 2002/0039923 A1), gaming machines with tournament play.

**Conclusion**

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 8:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

06/12/2007



Robert E Pezzuto

Supervisory Patent Examiner

Art Unit 3714